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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,873	06/24/2003	Hiroyuki Nagase	019519-394	1322

7590

08/25/2004

Platon N. Mandros  
Burns Doane Swecker & Mathis LLP  
PO Box 1404  
Alexandria, VA 22313-1404

EXAMINER

GILLIAM, BARBARA LEE

ART UNIT

PAPER NUMBER

1752

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/601,873

Applicant(s)

NAGASE, HIROYUKI

Examiner

Barbara L. Gilliam

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/04 & 6/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claims***

2. Claims 1-9 are present.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Vermeersch et al. (EP 908 779 A1).

- a. The method for making positive working printing plates taught by Vermeersch et al. meets the present method limitations for preparing a lithographic printing plate. Specifically in the method of Vermeersch et al., a heat mode imaging element comprising a lithographic base and a compound capable of converting light to heat in a top layer or an underlying layer is exposed to imagewise to actinic light and developed with an alkaline developer (abstract). The IR-cyanine dyes are meets the present limitations for the infrared absorbing

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dye ([0035]-[0037]). The developers have a pH between 11.5 and 14 ([0053]) and comprise  $\text{SiO}_2$  and  $\text{M}_2\text{O}$  in a molar ratio of 0.5 to 1.5 ([0056]-[0059]). The developer also comprises surfactants such as salts of higher alcohol sulfuric acid esters, which meet the present limitations for the anionic surfactant ([0061]).

5. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al. (EP 1 176 007 A2).

a. The method of image formation taught by Nakamura et al. meets the present method limitations for preparing a lithographic printing plate. Specifically, the method of Nakamura et al. comprises imagewise exposing a negative image-recording material by IR radiation (abstract). The negative-image recording material comprises an IR absorber which meets the present limitations for the infrared absorption dye ([0017]-[0039]). After exposure, the material is developed with an aqueous alkaline developer solution having a pH in the range of 10.5 to 12.5 ([0103]-[0104]). The developer further comprises surfactants such as sulfonates ([0110]). The developer meets the present limitations for the same.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. In US 6,756,183 B2, Nagase teach a method for preparing a lithographic printing plate.

- b. In US 6,511,790 B2, Takamiya et al. teach alkaline liquid developer for the development of an infrared radiation-presensitized plate (abstract).
- c. US 6,083,663 is in the same patent family as EP 908 779 A1.
- d. In US 6,004,728, Deroover et al. teach a method for making lithographic printing plates.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara L. Gilliam whose telephone number is 571-272-1330. The examiner can normally be reached on Monday through Thursday, 8:00 AM - 5:30 PM.

a. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

b. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*Barbara L. Gilliam*

Barbara L. Gilliam  
Primary Examiner  
Art Unit 1752

bg  
August 23, 2004